

## **SPECIAL LAND USES**

### **§ 156.065 SPECIAL LAND USE APPROVAL STANDARDS.**

(A) *Approval by Planning Commission required; standards.* Whenever special land uses are proposed, such uses shall be permitted only after review and approval by the Planning Commission as established in §§ 151.01 through 151.09.

(B) The Planning Commission shall approve a special land use only upon a finding of compliance with each of the following standards.

(1) The special land use shall be designed, constructed, operated, and maintained in a manner harmonious with the character of adjacent property and the surrounding area.

(2) The special land use shall not change the essential character of the surrounding area.

(3) The special land use shall not interfere with the general enjoyment of adjacent property.

(4) The special land use shall represent an improvement to the property under consideration and the surrounding area in general.

(5) The special land use shall not be hazardous to adjacent property or involve uses, activities, materials, or equipment which will be detrimental to the health, safety, or welfare of persons or property through the excessive production of traffic, noise, smoke, odor, fumes, or glare.

(6) The special land use shall be adequately served by essential public facilities and services, or it shall be demonstrated that the person responsible for the proposed conditional use shall be able to continually provide adequately for the services and facilities deemed essential to the conditional use under consideration.

(7) The special land use shall not place demands on public services and facilities in excess of current capacity.

(8) The special land use shall provide context-appropriate design features that are complimentary to the goal of facilitating complete streets. This standard may be applied at the Planning Commission's discretion, if in the Commission's opinion, it would enhance the mobility of users in and around the development without creating a substantial financial burden on the developer.

(Prior Code, § 1280.01) (Ord. passed 7-9-2020)

### **§ 156.066 CONDITIONS FOR APPROVAL; ENFORCEMENT; APPEALS; NOTICE.**

(A) The Planning Commission may impose conditions with the approval of a special land use which are necessary to ensure compliance with the standards for approval and any other applicable standards contained in this subchapter. Such conditions shall be considered an integral part of the special land use permit and shall be enforced by the city's Zoning Administrator.

(B) Any decision made by the Planning Commission concerning special land uses may be appealed to the Board of Zoning Appeals.

(C) The notice requirements set forth in this subchapter and state law shall be observed relative to the consideration of all special land uses by the Planning Commission.